

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 527 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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UNION OF INDIA

Versus

RAJKOT MUNICIPAL CORPORATION

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Appearance:

None present for Petitioner

None present for Respondent

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 03/12/96

C.A.V. JUDGEMENT

Perused the file. The dispute is between the Union of India, Western Railway and Rajkot Municipal Corporation in respect of the matter that whether the Railway administration has to get the permission for construction of its building from the Rajkot Municipal Corporation or not. Much on merits now does not survive for the reasons briefly stated below.

The document annexure 'B' on the record is the letter of Sr. Divisional Engineer, Western Railway, Rajkot to the Deputy Town Development Officer, Rajkot Municipal Corporation wherein it has been made clear that the railway administration has no objection to get the clearance from the Corporation for its proposed construction. In view of the aforesaid letter of the Railway administration, no substantial dispute now remains in between the parties to be resolved by this Court.

Secondly, on 17th March, 1987 this court has made the order, which reads as under:

Rule. Interim relief not pressed and Mr. Bhatt says that the Railway administration will make an application without prejudice to the rights and contentions of the petitioners and Mr. Tanna on behalf of the Respondent says that if the said application and plans are in accordance with statutory provisions and bye-laws the Respondent-Corporation shall have no objection in granting the permission. As soon as the Railway administration makes such an application, Mr. Tanna for the Respondent Corporation states that it will be expeditiously dealt with.

In view of the aforesaid order of this court, it is no more in dispute between the parties that the plan of the proposed construction has to be submitted and the Corporation will consider the same expeditiously for grant thereof.

In the result, this writ petition stands disposed of in terms of the order of this court dated 13th March, 1987. Rule stands disposed of accordingly.

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